

AUG. 18. 2004 2:52PM

BROWDY AND NEIMARK

NO. 6178 P. 1

RESPONSE UNDER 37 C.F.R. §1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1800

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Beka SOLOMON

Art Unit: 1842

Application No.: 09/441,140

Conf. No. 3910

Examiner: C. Nichols

Filed: November 16, 1999

Washington, D.C.

For: PREVENTION OF PROTEIN AGGREGATION

Atty's Docket: SOLOMON=1R

Date: August 18, 2004

THE COMMISSIONER OF PATENTS  
2011 South Clark Place, Mail Stop  
Crystal Plaza Two, Lobby, Room 1803  
Arlington, VA 22202

VIA TELEFACSIMILE

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Sir:

Transmitted herewith is a [X] Supplemental Amendment ( )

in the above-identified application.

[ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[X] No additional fee is required.

[ ] The fee has been calculated as shown below.

| (Col. 1)                                  |   | (Col. 2) |                                       | (Col. 3)                   | SMALL ENTITY         |                   | OR | OTHER THAN SMALL ENTITY |                   |
|---|---|----------|---------------------------------------|----------------------------|----------------------|-------------------|----|-------------------------|-------------------|
|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |          | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA<br>EQUALS | RATE                 | ADDITIONAL<br>FEE |    | RATE                    | ADDITIONAL<br>FEE |
| TOTAL                                     | * 27                                      | MINUS    | ** 99                                 | 0                          | x 9                  | \$                |    | x 18                    | \$                |
| INDEP.                                    | * 5                                       | MINUS    | *** 26                                | 0                          | x 43                 | \$                |    | x 88                    | \$                |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |          |                                       |                            | + 145                | \$                |    | + 290                   | \$                |
|   |   |          |                                       |                            | ADDITIONAL FEE TOTAL |                   | OR | TOTAL                   |                   |
|   |   |          |                                       |                            | \$                   |                   |    | \$                      |                   |

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[X] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

[ ] First - \$ 55.00  
 [ ] Second - \$ 210.00  
 [ ] Third - \$ 475.00  
 [ ] Fourth - \$ 740.00

Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

[ ] First - \$ 110.00  
 [ ] Second - \$ 420.00  
 [ ] Third - \$ 950.00  
 [ ] Fourth - \$ 1480.00

Month After Time Period Set

[ ] Less fees (\$ ) already paid for month(s) extension of time on

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

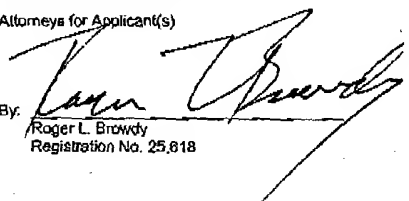
[ ] A check in the amount of \$ is attached (check no. ).

[X] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time (see, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

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RESPONSE UNDER 37 C.F.R. §1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1600

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: SOLOMON=1R

In re Application of:

Beka SOLOMON

Appln. No.: 09/441,140

Filed: November 16, 1999

For: PREVENTION OF PROTEIN  
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) Conf. No.: 3910  
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) Examiner: C. Nichols  
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## SUPPLEMENTAL AMENDMENT

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Amendment Non-Fee  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

Supplementing applicant's Amendment of August 9,  
2004, please amend as follows:

IN THE CLAIMS

Please insert new claims 168-172 as follows:

168. A pharmaceutical formulation, comprising:(A) an antibody or antigen binding fragment thereof,wherein:(i) said antibody is obtainable using residues  
1-28 of beta-amyloid as an immunogen, and(ii) said antibody and said fragment maintain  
the solubility of soluble beta-amyloid; and(B) a pharmaceutically acceptable carrier.